

SENATE BILL NO. 114

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FIRST SESSION

BY SENATOR BEGICH

Introduced: 3/29/21

Referred: State Affairs, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to parole eligibility for juvenile offenders sentenced as adults."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 * **Section 1.** AS 33.16.090 is amended by adding a new subsection to read:

4 (d) A minor sentenced to an active term of imprisonment in the same manner
5 as an adult under AS 47.12.030(a) or subject to a dual sentence under AS 47.12.065
6 that has not previously been eligible for discretionary parole under (a) or (b) of this
7 section is eligible for consideration of discretionary parole not later than 15 years
8 following the date that the minor was first held for the offense in a juvenile detention
9 facility or adult correctional facility, less any time during which the minor was
10 released pending trial or sentencing.

11 * **Sec. 2.** AS 33.16.100(g) is amended to read:

12 (g) When considering a prisoner for release on discretionary parole under
13 AS 33.16.090(a)(2) or (d), the board may release a prisoner if, taking into
14 consideration the prisoner's likelihood of recidivism given the prisoner's age, criminal
15 history, behavior in prison, participation in treatment, and plans for reentering the

community, a reasonable probability exists that

(1) the prisoner will live and remain at liberty without violating any laws or conditions imposed by the board;

(2) the prisoner's rehabilitation and reintegration into society will be furthered by release on parole;

(3) the prisoner will not pose a threat of harm to the public if released on parole; and

(4) release of the prisoner on parole would not diminish the seriousness of the crime.

* **Sec. 3.** AS 33.16.100(h) is amended to read:

(h) **Except as provided under (i) of this section, if** [IF] the board considers an application for discretionary parole and denies parole because the prisoner does not meet the standards in (a) or (g) of this section, the board may make the prisoner ineligible for further consideration of discretionary parole or require that additional time be served before the prisoner is again eligible for consideration for discretionary parole.

* **Sec. 4.** AS 33.16.100 is amended by adding new subsections to read:

(i) In addition to the considerations under (g) of this section, when considering whether to release a prisoner on discretionary parole under AS 33.16.090(d), the board shall consider the prisoner's

(1) demonstrated maturity;

(2) age at the time of the offense and the characteristics of the prisoner's age at the time of the offense, including the prisoner's

(A) immaturity;

(B) impetuosity;

(C) failure to appreciate risks and consequences of the prisoner's actions; and

(D) inexperience with the judicial system, including the prisoner's inability to deal with peace officers or prosecutors and incapacity to assist the prisoner's attorney; and

(3) family and home environment at the time of the offense.

1 (j) If the board considers an application for discretionary parole under
2 AS 33.16.090(d) and denies parole because the prisoner does not meet the standards in
3 (g) of this section, the board shall reconsider the prisoner's application for
4 discretionary parole not later than two years following the date of the denial.

5 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
6 read:

7 APPLICABILITY. AS 33.16.090(d), enacted by sec. 1 of this Act, applies to offenses
8 committed before, on, or after the effective date of this Act.